

Appl. No. 09/872,141  
Amd. Dated March 30, 2005  
Reply to Office Action of February 18, 2005

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2.

Attachment: Replacement Sheet

### **REMARKS/ARGUMENTS**

Reconsideration of the rejections set forth in the Office Action dated February 18, 2005 is respectfully requested. Claims 1-7, 10-13, 16, 17, 21-24, 28-36, and 39-42 have been rejected. Claims 8, 9, 14, 15, 18-20, 25-27, 37, and 38 have been objected to. Claims 22 and 34 have been cancelled. As such, claims 1-21, 23-33, and 35-42 are currently pending.

Claims 1 and 16 have been amended to overcome the Examiner's claim objections. Claims 8, 14, 18, 25, and 37 have been amended to be written in independent form.

Claim 1 has additionally been amended to recite that a third element is traversed in a first segment computed while a fourth element is blocked and that the fourth element is traversed in a second segment computed while the third element is blocked. Support for these amendments may be found in the Specification, as for example on page 17 at lines 11-20. Claims 5 and 6 have been amended to remain consistent with claim 1.

Claim 10 has been amended in a manner that is similar to claim 1. Support for these amendments may be found in the Specification, as for example on page 17 at lines 11-20. Claims 12 and 13 have been amended to maintain consistency with claim 10.

Claim 16 has been amended to recite that a blocker blocks a first element from being used in generating a first segment and a second element from being used in generating a second segment. Claim 16 has also been amended to recite that the first segment includes the second element and that the second segment includes the first element. Support for these amendments may be found in the Specification, as for example on page 17 at lines 11-20.

Claim 21 has been amended to incorporate the limitations as originally filed in claim 22. Claim 33 has been amended to incorporate limitations as originally filed in claim 34.

### Drawings

The Examiner has objected to Fig. 1 because link or path labels are not clearly visible. As the Applicants' copy of Fig. 1 is legible, it is not clear to the Applicants which link or path labels are not clearly visible. Therefore, the Applicants are unable to submit a drawing sheet which is annotated to show corrections and are only able to submit a replacement sheet. A replacement sheet which includes Fig. 1 and Fig. 2 and contains clearly visible link and path labels is being submitted herewith.

### Claim Objections

Claims 1, 16, and 20 were objected to by the Examiner for informalities. The Applicants have amended claims 1 and 16 to overcome the Examiner's objections. The Applicants have not amended claim 20, as the Applicants believe that in light of amendments made to claim 16, from which claim 20 depends, claim 20 now properly recites "the second segment."

### Allowable Subject Matter

Claims 8, 9, 14, 15, 18-20, 25-27, 37, and 38 have been objected to as being dependent upon a rejected base claim. The Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. Claims 8, 14, 18, 25, and 37 have each been rewritten in independent form and are, therefore, each believed to be allowable. As claim 9 depends from claim 8, claim 15 depends from claim 14, claims 19 and 20 depend from claim 18, claims 26 and 27 depend from claim 25, and claim 38 depends from claim 37, claims 9, 15, 19, 20, 26, 27, and 38 are each believed to be allowable as well.

Rejections under 35 U.S.C. § 102

Claims 1-7, 10-13, 16, 17, 21-24, 28-36, and 39-42 have been rejected under 35 U.S.C. 102(e) as being anticipated by Finn (U.S. Patent No. 6,728,205).

*1. Independent claims 21, 33, and their respective dependents*

Independent claim 21, as amended, recites that a circuit path is computed by identifying a first element that is to be traversed the circuit path between a source node and a destination node. A first segment that is part if the circuit path is routed automatically using a shortest path first algorithm.

On page 11 of the Office Action dated February 18, 2005, the Examiner has argued that Finn discloses routing a first segment automatically using a shortest path first algorithm. The Applicants respectfully disagree with the Examiner. The passage of Finn cited by the Examiner as teaching of routing a first segment automatically using a shortest path first algorithm, namely column 22 beginning at line 24, reads

“Choosing the cycle and paths in different ways can yield a variety of different tree structures. For example, unbalanced trees with long individual paths or balanced trees with short paths, will become clearer below, depending on particular requirements and criteria. Such criteria might include in a communications network, minimum error rate or minimum delay. ... Still in other types of network, other criteria appropriate to the network would be used.”

While the passage discloses balanced trees with short paths, there is no teaching of using a shortest path first algorithm, or even that a balanced tree with a short path indeed has the shortest available path. Finn teaches of using a minimum error rate or a minimum delay criterion to route a path in a communications network, and goes on to mention that other criteria may be used in other types of networks. However, it is respectfully submitted that there is no teaching of using a shortest path first algorithm.

The Applicants further note that Finn only teaches of criteria used to route overall paths, and does not appear to teach of using any particular algorithm, let alone a shortest path first algorithm, to route a first segment of a path. Therefore, claim 21 and its dependents are believed to be allowable over Finn for at least these reasons.

As amended, independent claim 33 recites similar limitations to those recited in claim 21. Accordingly, claim 33 and its dependents are each believed to be allowable over Finn for at least the reasons set forth with respect to claim 21.

2. *Independent claims 1, 10, and their respective dependents*

The Applicants respectfully submit that in light of the amendments made claims 1 and 10, claims 1, 10, and their respective dependents are each allowable over Finn. By way of example, it is respectfully submitted that Finn does not teach that a first segment of a path which includes a third element is computed while a fourth element is blocked from being included in the first segment, or that a second segment of the path which includes the fourth element is computed while the third element is blocked from being included in the second segment. As such, the Applicants believe that claims 1, 10, and their respective dependents are each allowable over Finn for at least this reason.

3. *Independent claim 16 and its dependents*

As amended, independent claim 16 recites an apparatus for routing a path between a source node and a destination node which includes a blocker for blocking a first element from being used in generating a first segment of a path and for blocking a second element from being used in generating a second segment of the path. The apparatus also includes a path router that generates the first segment to include the source node and the segment element but not the first element. The path router also generates the second segment to include the first element.

It is respectfully submitted that Finn does not teach the limitations of claim 16. By way of example, Finn does not appear to teach of a blocker that blocks a first element from being used in generating a first segment of a path, and a path router that generates a second segment of the path to include the first element. Therefore, claim 16 and its dependents are each believed to be allowable over Finn for at least this reason.

Conclusion

For at least the foregoing reasons, the Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8690.

Respectfully submitted,



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